



STAFF REPORT

Meeting Date: December 4, 2002

LAFCO CASE, NAME AND NO: LAFCO 02-17 City of San Buenaventura Reorganization – Wittenberg No. 3

PROPOSAL: Reorganization of the City of San Buenaventura to annex territory to the City of San Buenaventura and to detach the same area from the Ventura County Fire Protection District and the Ventura Resource Conservation District to accommodate urban development.

PROPONENT: City of San Buenaventura by Resolution

SIZE: Approximately 56.26 acres

LOCATION: The proposal area is generally located between Telephone Road on the north, the Ventura County Transportation Commission railroad right-of-way on the south, Saticoy Avenue on the west and Brown Barranca and Wells Road (State Highway 118) on the east, and is within the City of San Buenaventura's sphere of influence and area of interest.

ASSESSOR'S PARCEL NO.: 128-0-050-30, 38, 39 & 56; Assessor's Parcel No. 128-0-050-05 is recommended to be included with this Reorganization

NOTICE: This matter has been noticed as a public hearing as prescribed by law.

RECOMMENDATION:

Adopt the attached Resolution (LAFCO 02-17) making determinations and approving the City of San Buenaventura Reorganization – Wittenberg No. 3. Note that this recommendation includes territory in addition to the area covered in the City's resolution to initiate proceedings.

COMMISSIONERS AND STAFF

COUNTY Steve Bennett, Chair Kathy Long <i>Alternate:</i> Judy Mikels	CITY <i>Vacant</i> John Zaragoza <i>Alternate:</i> Evaristo Barajas	SPECIAL DISTRICT Jack Curtis John Rush <i>Alternate:</i> Dick Richardson	PUBLIC Louis Cunningham, Vice Chair <i>Alternate:</i> Kenneth M. Hess
EXECUTIVE OFFICER Everett Millais	PLANNER III Hollie Brunsky	CLERK Debbie Schubert	LEGAL COUNSEL Noel Klebaum

GENERAL ANALYSIS:

1. Land Use and Development:

A. Site Information:

	Land Use	Zone District Classification	General Plan Designation
Existing	The proposal area is primarily agricultural (citrus and avocados) and includes a farmhouse and farm outbuildings. Two units of farmworker housing and a rental housing unit, all without permits, are in the proposal area. Also included is a portion of the VCTC railroad right-of-way and a portion of Brown Barranca. A parcel containing an industrial shed and an office trailer is recommended to be included in the proposal area.	<u>County:</u> A-E (Agricultural Exclusive), with an Urban Reserve Overlay	<u>City:</u> PR-15 (Planned Residential, 15 units per net acre average) <u>County:</u> Agricultural (40 acre min. lot size) with an Urban Reserve Overlay
Proposed	The proposed development includes 12.88 acres already in the City and will consist of up to 439 dwelling units (80 single family units and up to 359 apartments), a 2.48 acre Native American Veteran Memorial and a 2.07 acre Chumash Preservation site (both to be deeded to Native American organization, a non-profit organization, or to the City), and a 19.86 acre site to be donated to the State of California for a veterans home site. All existing dwellings will ultimately be removed.	<u>City:</u> RPD-15U (Residential Planned Development, 15 units per gross acre), and R-1-1AC (single family residential, 1 acre min. lot size)	<u>City:</u> PR-15 (Planned Residential, 15 units per net acre average)

B. Surrounding Land Uses and Zoning and General Plan Designations:

	Land Use	Zone District Classification	General Plan Designation
North	Golf course and park	City: R-1-7 (single family residential, 7,000 sq. ft. lots min.) and R-1-1AC	City: Park
South	VCTC railroad right-of-way; Single family residential and agriculture	City: RPD-6U (Residential Planned Development, 6 units per gross acre) County: A-E (Agricultural Exclusive), with an Urban Reserve Overlay	City: PR-8 (Planned Residential, 8 units per net acre average) County: Agricultural (40 acre min. lot size) with an Urban Reserve Overlay
East	Industrial and warehouse	County: M-2 (General Industrial)	County: Existing Community – Saticoy Area Plan City: Existing Urban
West	Agriculture and apartments	City: R-1-1AC and RPD-20U (Residential Planned Development, 20 units per gross acre)	PR-8 (Planned Residential, 8 units per net acre average)

C. Topography, Natural Features and Drainage:

The proposal area has been graded for agricultural purposes and slopes and drains to the south (towards the railroad) and east (to Brown Barranca). There is a bluff area running diagonally across the southerly and central portion of the site from the southwest to the northeast.

Brown Barranca, an unimproved drainage way in an easement owned by the Ventura County Flood Control District, is along the easterly boundary of the proposal area.

Paralleling Brown Barranca near the easterly portion of the proposal area is a windrow of eucalyptus trees that will be removed.

D. Conformity with Plans and Policies:

The proposal area is in the Sphere of Influence of the City of San Buenaventura. Under LAFCO policies the City's General Plan takes precedence.

Pursuant the City's SOAR ordinance, and based on the City's pre-existing General Plan designation for the proposal area, a popular vote in the City is not required to change the City's General Plan or for developmental services to be provided.

The City has determined that the overall proposed development, including 12.88 acres of land already in the City, is consistent with the City's General Plan. The City has approved a Development Agreement, pre-zoning, a tentative tract map and development permits for 396 dwelling units (and reserved approval for 43 additional dwelling units) and for the public park and veterans home property dedications.

2. Impact on Prime Agricultural Land, Open Space and Agriculture:

Most of the proposal area is being used for agriculture as a citrus and avocado orchard. Much of the proposal area is classified as "Prime" and of "Statewide Importance Farmlands," while the non-prime portions are classified as "Unique" on the Important Farmlands Inventory (IFI) map. The soils on site are Class I and Class II soils. The proposal area is considered to be prime agricultural land as defined in Government Code Section 56064.

There are no Williamson Land Conservation Act or Farmland Security Zone contracts in the proposal area.

The site is not considered open space.

The site is not located in a greenbelt.

The City has designated the proposal area for development since the 1960's, and the County's General Plan overlay designation of Urban Reserve is in recognition of the area's potential for urban development and need for urban services. When the City last updated its General Plan, and certified the related Master EIR, the City adopted a Statement of Overriding Considerations for the substantial, unmitigated environmental impacts relating to the loss of prime farmland, including the proposal area. In approving the recent development related decisions and the requested reorganization, the City relied on this prior environmental determination and no mitigation measures have been adopted.

The Development Agreement approved by the City provides for approximately 20 acres of land to be dedicated for a proposed state Veteran's Home facility. Because of this requirement the site is unique in that no other non-prime or vacant land is planned or developable for the same general type of use.

There are no objections to the proposal from the County of Ventura Office of the Agricultural Commissioner.

The proposal area is almost surrounded by urbanized development. There is a parcel to the south, across the VCTC railroad right-of-way, that is used for agriculture, but which is designated for future development and is not subject to the City's SOAR ordinance.

Given the factors noted that proposal meets the findings and criteria established by the Commission (Commissioner's Handbook Section 3.1.5) for the conversion of prime agricultural land.

3. Population:

According to information received from County Election officials there are fewer than twelve registered voters residing in the proposal area. Therefore, pursuant to the Government Code provisions for reorganizations, the area is considered uninhabited.

4. Services and Controls – Need, Cost, Adequacy and Availability:

City Services

Upon annexation the City has represented that the full range of City services, including water, sewer, drainage, law enforcement, fire protection, street lighting, and recreation and parks, will be provided. The proposed development will require connection to the City's sanitary sewer and water systems and extension of the City's street system. Utility improvements can be extended from existing sewer and water lines within the vicinity of the proposal area. The City has represented that it has water supplies adequate for projected needs as specified in Government Code §65352.5

The developer will finance the extension of utilities and streets and any necessary connections. Sanitary sewer and water service will be paid for by connection charges and residential user fees. The developer will fund the City's establishment of a Maintenance Assessment District for the management and maintenance of street median, landscape and lighting. The developer will also fund the extension of improvement and widening of roads as necessary to serve the proposed Native American and Chumash sites and the proposed state

veterans home. A linear park/bikeway will be improved by the developer along Brown Barranca and dedicated to the City.

The developer is also contributing \$802,888 to the City pursuant to the City's Capital Improvement Deficiency Study for the Wells/Saticoy communities to mitigate off site capital improvement needs.

Schools

The proposal area is within the Ventura Unified School District. In 1998 the Ventura Unified School District entered into a "School Facilities Impact Mitigation Agreement" with the property owner and binding on the developer. The agreement provides that the developer pay \$1 per square foot in excess of the state mandated square foot fees in effect at the time building permits are to be issued. Given this agreement Ventura Unified has indicated there are no issues in being able to accommodate the additional students projected after the development of the proposal area.

5. Boundaries and Lines of Assessment:

The boundaries are definite and certain. There are no conflicts with lines of assessment or ownership.

The County Surveyor prepared a map and legal description sufficient for filing with the State Board of Equalization based on the proposal area originally filed by the City. Since the filing by the City, and at the request of LAFCO staff, the City has gained VCTC's consent to annex the portion of its adjacent railroad right-of-way that is not already in the City. Maps relating to this modified proposal, or to the proposal area as recommended, will need to be completed prior to recordation. A condition requiring a map and legal description consistent with the recommended action be prepared prior to recordation is contained in the recommended resolution.

The proposal in the form originally filed by the City in combination with the subsequent consent of the VCTC to annex a portion of the adjacent railroad right-of-way will create an island of unincorporated territory of approximately .73 acres. This issue is discussed further in the Special Analysis section.

6. Assessed Value, Tax Rates and Indebtedness:

The proposal is presently within tax rate area 91018 (\$1.077223 per \$100 of assessed valuation). Upon completion of this annexation the area will be assigned to existing tax rate area 05174 (\$1.064600 per \$100 of assessed valuation).

The assessed value of each parcel in the proposal area, including the recommended additional parcels, per the 2002-2003 tax roll is:

APN 128-0-050-30 \$0 (Ventura County Flood Control easement)
APN 128-0-050-38 \$69,196 (Rancho Attilio)
APN 128-0-050-39 \$1,655,748 (Wittenberg-Livingston)
APN 128-0-050-56 \$0 (VCTC)
APN 128-0-050-05 \$150,221 (Westerdale)

The total assessed value for the recommended proposal area is \$1,875,165.

7. Environmental Impact of the Proposal:

The City of San Buenaventura is the lead agency for the proposal area that is to be developed. The City prepared an Environmental Impact Report (EIR) relating to the proposed development of most of the proposal area. A copy of the City's resolution certifying the EIR and containing findings for each of the potentially significant environmental effects of the proposed development is attached.

The EIR was previously provided to the Commission for review and is available at the Ventura LAFCO office prior to the hearing. A copy will also be available at the LAFCO hearing for review

The recommended action includes two parcels not addressed in the EIR. One is a parcel owned by VCTC. It is a portion of the railroad right-of-way that is not already in the City that is contiguous with the southern boundary. The other is a .73 acre, triangular parcel at the southeasterly corner of the proposal area. It is privately owned and used for industrial purposes. It is recommended that the Commission determine that the inclusion of these two parcels in the reorganization is Categorically Exempt under state CEQA Guidelines section 15319, Class 19(a), relating to the annexation of existing facilities.

8. Regional Housing Needs:

The Housing Element of the City's General plan has yet to be certified by the state.

The proposed initial development does not contain any dwelling units specifically designated for persons or households with low or moderate incomes. A total of 316 apartment units (216 "standard" apartment units and 100 "townhouse" apartment units) are to be built initially. Up to 43 units could be built based on future entitlements. At this time the type and income status of these reserved units is unknown.

Given the lack of an approved Housing Element and the type of the initial development approved by the City, the proposal cannot be found to assist the City in achieving its fair share of the regional housing needs as determined by the Southern California Association of Governments.

9. Landowner and Annexing Agency Consent:

All of the affected property owners involved in this proposal have not given their written consent to annex. Written consent to annex has been obtained from the owners of the land proposed for the development that was the subject of the City's EIR. Written consent has also been obtained from VCTC for the railroad right-of-way parcel along the southern boundary that is not already in the City. While both City and LAFCO staff have been in contact with the new owners of the .73 acre triangular parcel at the southeasterly corner of the proposal area, these owners have yet to provide written consent to annex. Provided the Commission agrees with the recommendation to include these two parcels in the reorganization, and unless all property owners consent in writing to the annexation, conducting authority protest proceedings will need to be held before the reorganization can be completed.

The Ventura County Resource Conservation District and the Ventura County Fire Protection District have consented to the proposed detachments and have agreed to waive conducting authority proceedings.

SPECIAL ANALYSIS:

The original proposal filed for reorganization included the following three parcels:

APN 128-0-050-30 Ventura County Flood Control easement
APN 128-0-050-38 Rancho Attilio
APN 128-0-050-39 Wittenberg-Livingston

After receiving the application, and in the interest of orderly boundaries and compliance with policies encouraging that boundaries follow natural and man made features (Commissioner's Handbook §3.1.3.4), LAFCO staff requested that the City contact two additional owners to seek their written consent to annex. One of the owners is VCTC who owns the railroad right-of-way adjacent to the southerly boundary. Part of this railroad right-of-way is already in the City based on prior reorganization actions. Including APN 128-0-050-56, the portion of the railroad right-of-way adjacent to the southerly boundary that is not in the City, will provide for more orderly, consistent and logical boundaries. As noted VCTC has provided written consent to annex this property and it is recommended that it be included in this reorganization.

The other owner contacted, Donald and Marilyn Westerdale, recently purchased the .73 acre triangular parcel at the southeasterly corner of the proposal area (APN 128-0-050-05) and three other parcels on the east side of Brown Barranca with access from Wells Road (State Highway 118). The .73 acre triangular parcel is a remnant parcel created by a former spur of the railroad line. It is accessed via a narrow bridge across Brown Barranca from Wells Road. While considered unimproved by the County Assessor, this parcel contains a shed and office trailer used for industrial purposes. The City has indicated that this property would retain similar industrial zoning if annexed to the City. While the Westerdals are aware of this pending reorganization and have been requested to consent to the annexation of the .73 acre parcel, they have yet to provide written consent.

During recent conversations with staff, Mr. Westerdale indicated he was still considering annexation, and possibly would be interested in annexing all of his properties in this area (the .73 acre triangular property and the three parcels east of Brown Barranca). Staff indicated that consent could be provided at any time prior to the close of the hearing on this matter. Staff would support the inclusion of all four parcels in this reorganization if consent were provided, as all are in the City's sphere of influence, all are developed and the City has indicated that all would retain similar industrial zoning.

Approval of the proposal originally submitted, plus the VCTC parcel, would result in the .73 acre Westerdale parcel becoming an "island" of territory surrounded by area under City jurisdiction. Both state law and local LAFCO policies discourage the creation of such island areas. In fact, Government Code §56744 precludes the creation of islands unless limited exemption determinations are made. In this instance, it is recommended that the Commission include this .73 acre parcel (APN 128-0-050-05) in the reorganization, thereby preventing the creation of a small island area remaining under County jurisdiction. If written consent to annex this parcel is not granted, approval of the reorganization will be subject to conducting authority protest proceedings including another noticed hearing for protest purposes. The assessed land values of the parcels where owner consent to annex has been granted substantially exceed the assessed land value of the .73 acre parcel. Thus, even if protest proceedings are conducted, the .73 acre parcel can be included whether or not the property owners consent.

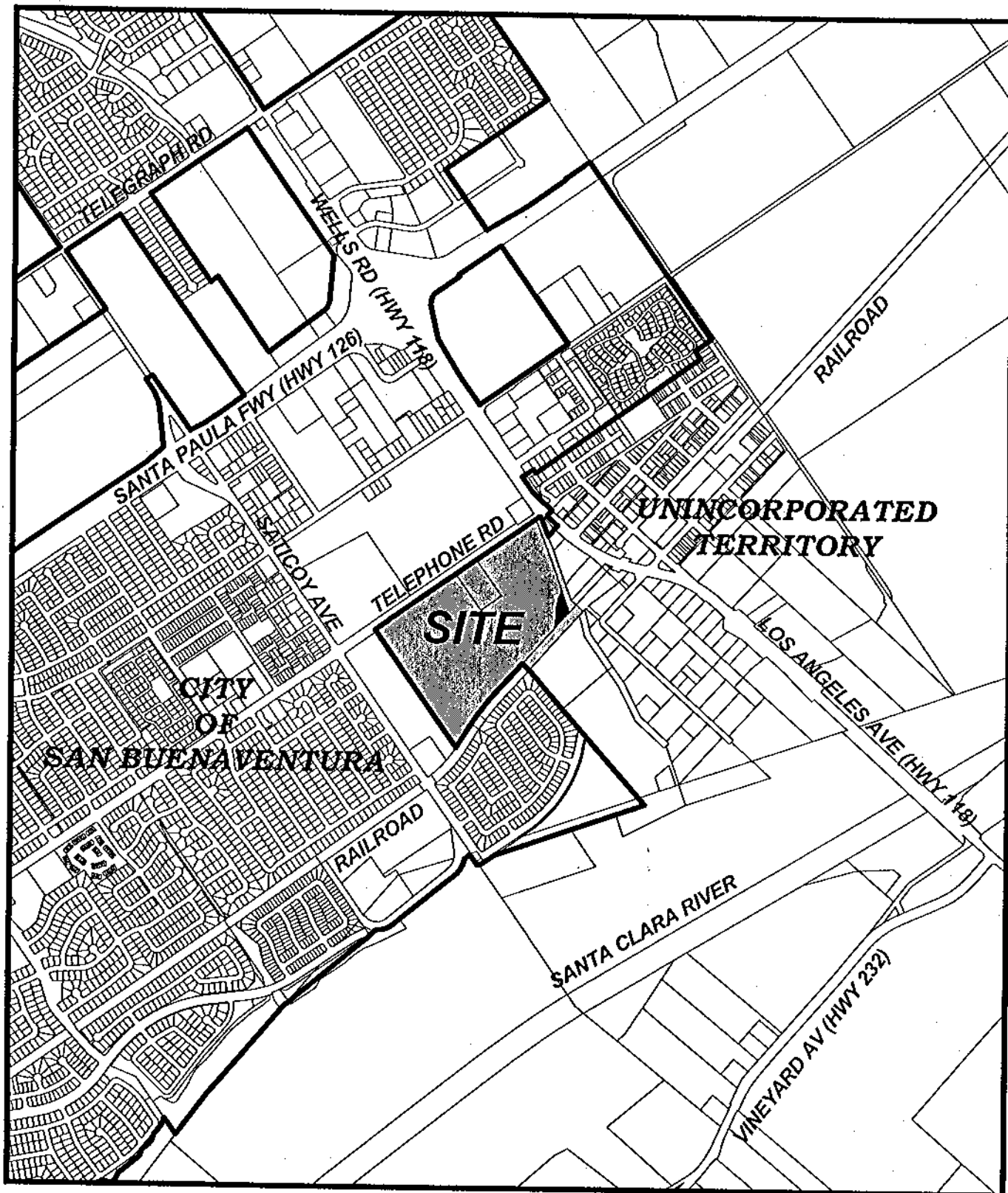
ALTERNATIVE ACTIONS AVAILABLE:

- A. If the Commission, following public testimony and the review of the materials submitted, determines that the .73 acre parcel (APN 128-0-050-05) should not be included in this reorganization, it is recommended that the VCTC parcel (APN 128-0-050-56) also not be included and that no island area be created. A motion to approve the reorganization without these two parcels can include the waiver of conducting authority protest proceedings.

- B. If the Commission, following public testimony and the review of the materials submitted, determines that further information is necessary, a motion to continue one or both of the proposals should state specifically the type of information desired and specify a date certain for further consideration.
- C. If the Commission, following public testimony and review of materials submitted with this application wishes to deny or modify this application, a motion to deny should include adoption of this Report and all referenced materials as part of the public record.

BY: _____
Everett Millais, Executive Officer

Attachments: (1) Vicinity Map
(2) LAFCO 02-17 Resolution
(3) City of San Buenaventura Resolution certifying the EIR and adopting mitigation measures



LEGEND



Existing City of San Buenaventura Boundary



Proposed Annexation Area

LAFCO 02-17

VICINITY MAP

CITY OF SAN BUENAVENTURA REORGANIZATION
WITTENBERG NO. 3
ANNEXATION NO. A-311



1" = 1500'

LAFCO 02-17

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE CITY OF SAN BUENAVENTURA
REORGANIZATION – WITTENBER NO. 3; ANNEXATION
TO THE CITY OF SAN BUENAVENTURA; DETACHMENT
FROM THE VENTURA COUNTY FIRE PROTECTION
DISTRICT; DETACHMENT FROM THE VENTURA
COUNTY RESOURCE CONSERVATION DISTRICT**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the public hearing by the Commission on the proposal; and

WHEREAS, the proposal was duly considered on December 4, 2002, as specified in the notice of hearing; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the LAFCO Executive Officer's Staff Report and recommendation, the environmental document or determination, Sphere of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to the Commission has provided proof that the affected territory is considered uninhabited; and

WHEREAS, information satisfactory to the Commission has been presented that all agencies having land detached within the affected territory have given their consent for the proposal; and

WHEREAS, not all property owners have consented to the proposal; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The LAFCO Executive Officer's Staff Report and Recommendation for approval of the proposal dated December 4, 2002 is adopted.
- (2) The Reorganization as recommended in the Executive Officer's Staff Report dated December 4, 2002 and including County of Ventura Assessor Parcel numbers 128-0-050-30, 38, 39, 56 & 05, is hereby approved subject to conducting authority proceedings as prescribed in Government Code Sections 57000 to 57090.
- (3) The territory is found to be uninhabited.
- (4) The subject proposal is assigned the following distinctive short form designation:

**LAFCO 02-17 - CITY OF SAN BUENAVENTURA
REORGANIZATION – WITTENBERG NO. 3**

- (5) The boundaries of the affected territory are found to be definite and certain as approved.
- (6) **This reorganization shall not be recorded until maps and legal descriptions consistent with this approval and suitable for filing with the State Board of Equalization are received by the LAFCO Executive Officer and the Executive Officer has received verification from the Ventura County Surveyor that all map checking and processing fees have been paid.**
- (7) The Commission has reviewed and considered the information contained in the Final Environmental Impact Report (EIR-2221) prepared by the City of San Buenaventura as lead agency, adopts the lead agency's findings of impacts and mitigation measures, and makes a specific determination that the significant issues and proposed mitigation measures as adopted by the lead agency adequately address the project [Sections 15091, 15093, and 15096(h)].
- (8) The Commission, acting in lead agency capacity, determines that the inclusion of additional territory in this proposal described as County of

Ventura Assessor Parcel numbers 128-0-050-05 & 56 is Categorically Exempt under CEQA Guidelines Section 15319, Class 19(a).

- (9) The Commission directs Staff to file a Notice of Determination in the same manner as a lead agency under Section 15094 and a Notice of Exemption under Section 15062 of the CEQA Guidelines.
- (10) The Commission determines that the project is in compliance with Government Code Section 56741 as the territory to be annexed is located within one county and is contiguous with the city boundaries of San Buenaventura.
- (11) The Commission directs that conducting authority protest proceedings be scheduled, noticed and held in manner prescribed in Government Code Sections 57000 to 57090, as not all landowners within the affected territory have given their written consent to the proposal.

This resolution was passed and adopted on December 4, 2002.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair, Ventura Local Agency Formation Commission

Copies: City of San Buenaventura, Clerk
County Clerk
County Assessor
County Auditor

County Surveyor
County Planning
Ventura County Fire Protection District
Ventura County Resource Conservation
District